



MAIL STOP AMENDMENT
Attorney Docket No. 24580

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerd HUGO

Examiner: D. BRUNSMAN

Serial No.: 09/840,982

Group Art Unit: 1755

Filed: April 25, 2001

Title: **COATING WITH SPECTRAL SELECTIVITY**

RESPONSE TO REQUIREMENT FOR SPECIES ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated November 18, 2005, due for reply by December 18, 2005. Accordingly, a five month request for an extension of time is attached hereto, thereby extending the period for response until May 18, 2006. Therefore, this response is filed within the time period set by the Examiner.

SUMMARY OF SPECIES ELECTION REQUIREMENT

The Examiner has required Applicant, under 35 U.S.C. §121, to elect a single species for each the binder, the first pigment and the second pigment.

PROVISIONAL ELECTION

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Applicant provisionally elects with traverse as the binders **acrylates**; as the first pigment a combination of disodium-5-amino-4-hydroxy-3-(phenylazo)naphthalene-2,7-disulfonate (azo pigment) and copper phthalocyanine; and as the second pigment **steel flakes**.

TRAVERSAL

Applicant respectfully traverses the Examiner's requirement for species election.

First, the restriction requirement is traversed because it omits "an appropriate explanation" as to the existence of a "serious burden" if the restriction were not required. See MPEP § 803. Regardless of any differences which may exist between the inventions set forth in the different groups, a complete and thorough search for the invention set forth in any one of the groups would require searching the art areas appropriate to the other group. Since a search of each the inventions would be coextensive, it would not be a serious burden upon the Examiner to examine all of the claims in this application.

Further at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims. Moreover, given the

overlapping subject matter, examination of the claims in this application would not pose a serious burden, because the searches would be coextensive in that a search of any one of the invention species.

Finally, Applicant notes that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the requirement for claim restriction and election of species and examine all claims pending in this application.

CONCLUSION

If the Examiner has any questions or wishes to discuss this matter, he is welcomed to contact the undersigned attorney.

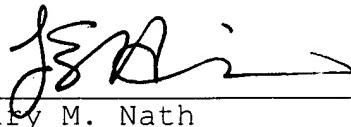
Respectfully submitted,

NATH & ASSOCIATES PLLC

Date:

May 18, 2006

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